

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT: Jeremy THALER et al. **GROUP:** 1794
APPLICATION: 10/705,657 **EXAMINER:** H. Pratt
FILED: November 10, 2003 **CONFIRMATION:** 6140
FOR: **PEANUT BUTTER WITH AN ORGANIC STABILIZER AND METHOD FOR
MANUFACTURE THEREOF**

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER ACCOMPANYING THIRD REPLY BRIEF

In response to the Supplemental Examiner's Answer dated January 8, 2010, and the Petition Decision dated December 15, 2009, Appellants submit herewith a Third Reply Brief in relation to this application.

No oral hearing is requested.

Appellants respectfully request that the Board render a decision based upon the parties written submissions, including Appellants' Appeal Brief, and Reply Briefs submitted on April 6, 2009, Sept. 23, 2009 and the enclosed Third Reply Brief.

Appellants wish to proceed with the appeal due to the protracted prosecution of this application to date.

In the event any fees are required in association with this submission, authorization is hereby provided to charge such fees or additional amounts to the Basch & Nickerson LLP Deposit Account 50-2737.

Respectfully submitted,

/Duane C. Basch, Esq. Reg. No. 34,545/

Duane C. Basch, Reg. No. 34,545
Attorney for Appellants
Basch & Nickerson LLP
1777 Penfield Road
Penfield, New York 14526
(585) 899-3970